

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAY 05 2006  
at 1 o'clock and 35 min. P M  
SUE BEITIA, CLERK

Attorneys for Plaintiff  
DAVID HOLZMAN

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

**DAVID HOLZMAN,**

Plaintiff,

vs.

**COMMERCIAL FORCED AIR, INC.,  
JOHN DOES 1-10, JANE DOES 1-10,  
DOE PARTNERSHIPS 1-10, DOE  
CORPORATIONS 1-10, DOE  
ENTITIES 1-10 and DOE  
GOVERNMENTAL UNITS 1-10,**

Defendants.

) CIVIL NO. CV04 00009 SOM-KSC

)  
) NOTICE OF HEARING MOTION;  
) PLAINTIFF'S MOTION FOR  
) SANCTIONS; MEMORANDUM IN  
) SUPPORT OF MOTION FOR  
) SANCTIONS; DECLARATION OF  
) ROBERT M. YAMAUCHI;  
) AFFIDAVIT OF KELLY BRYANT  
) BERGANIO; EXHIBITS "A" - "D";  
) CERTIFICATE OF SERVICE

) Hearing of Motion:

) Date: \_\_\_\_\_, 2006

) Time: 9:30 a.m.

) Judge: Honorable Susan Oki Mollway

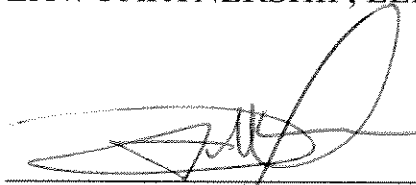
NOTICE OF HEARING MOTION

TO: COMMERCIAL FORCED AIR, INC.  
P.O. BOX 1743  
ROSWELL, GEORGIA 30077  
ATTN: MR. SERDAR SENAYDIN, PRESIDENT

NOTICE IS HEREBY GIVEN that PLAINTIFF'S MOTION FOR SANCTIONS shall come on for hearing before the Honorable Susan Oki Mollway, Judge of the above-entitled Court, in her courtroom in the United States Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii, on \_\_\_\_\_, \_\_\_\_\_, 2006, at 9:30 a.m., or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawaii, May 5, 2006.

MACDONALD RUDY BYRNS O'NEILL &  
YAMAUCHI, A LIMITED LIABILITY  
LAW PARTNERSHIP, LLP

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ROBERT M. YAMAUCHI

Attorney for Plaintiff  
DAVID HOLZMAN

PLAINTIFF'S MOTION FOR SANCTIONS

COMES NOW Plaintiff DAVID HOLZMAN ("Holzman"), by and through his attorneys, MACDONALD RUDY BYRNS O'NEILL & YAMAUCHI, a LIMITED LIABILITY LAW PARTNERSHIP, LLP, and hereby moves for sanctions against Defendant COMMERCIAL FORCED AIR, INC. ("CFA") for failing to obtain new counsel to appear on its behalf in this case in compliance with the Order Granting Motion To Withdraw As Counsel For Defendant Commercial Forced Air, Inc., filed September 9, 2005 (the "Order to Obtain New Counsel") and failing to proceed with arbitration of all claims in this dispute in compliance with the Order Compelling Arbitration; Order Denying Without Prejudice Plaintiff's Request For Declaratory Relief, Specific Performance, Sanctions, And Attorney's Fees And Costs, filed September 29, 2005 (the "Order Compelling Arbitration"). This motion is supported by Plaintiff's Memorandum in Support of Motion, the Declaration of Robert M. Yamauchi and Affidavit of Kelly Bryant Berganio, attached hereto and made a part hereof, and the arguments of counsel, and is brought pursuant to Fed. R. Civ. P. 7, 55(b) and 41(b) and L.R. 7.1, 7.2 and 7.3.

DATED: Honolulu, Hawaii, May 5, 2006.

MACDONALD RUDY BYRNS O'NEILL &  
YAMAUCHI, A LIMITED LIABILITY  
LAW PARTNERSHIP, LLP

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ROBERT M. YAMAUCHI

Attorney for Plaintiff  
DAVID HOLZMAN